

issued on September 19, 2000 and is also wholly owned by Sony Corporation. MPEP §706.02(l)(1) states “[e]ffective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention ‘were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.’ This change to 35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution application filed under 37 CFR 1.53(d), and reissues.” Because *Ueda* and the instant application are both owned by Sony Corporation and the instant application was filed after November 29, 1999, Applicant respectfully submits that *Ueda* is not prior art.

Accordingly, Applicant respectfully requests that the rejection of claims 2, 10, and 11 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 4-9 were rejected under 35 U.S.C. §103(a) as unpatentable over *Ueda* in view of *Sako et al.*, U.S. Patent No. 6,724,503. Applicant respectfully traverses this rejection.

As discussed above, under MPEP §706.02(l)(1) *Ueda* is not prior art because both *Ueda* and the instant application are both owned by Sony Corporation and the instant application was filed after November 29, 1999. As a result, a *prima facie* case for obviousness has not been established. Accordingly, Applicant respectfully requests that the rejection of claims 4-9 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 2 and 4-11 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-1894 from which the undersigned is authorized to draw.

Dated:

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Respectfully submitted,

By _____

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